

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DONALD E. MITCHELL, JR.,

Plaintiff

Case No. 3:23-cv-00276-MMD-CSD

**ORDER**

v.

N. BREITENBACH, et al.,

Defendants

On June 12, 2023, pro se plaintiff Donald E. Mitchell, Jr., an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.

1 See 28 U.S.C. § 1915(b).

2 As explained above, Plaintiff has neither paid the full filing fee nor applied to  
3 proceed *in forma pauperis*. The Court gives Plaintiff **until August 18, 2023**, to either pay  
4 the filing fee or submit an application to proceed *in forma pauperis*.

5 **II. CONCLUSION**

6 It is therefore ordered that Plaintiff has **until August 18, 2023**, to either pay the full  
7 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
8 three required documents: (1) a completed application with the inmate's two signatures  
9 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
10 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
11 previous six-month period.

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
13 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
14 to refile the case with the Court, under a new case number, when Plaintiff can file a  
15 complete application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is directed to send Plaintiff the approved form application to  
17 proceed *in forma pauperis* for an inmate and instructions for the same and retain the  
18 complaint (ECF No. 1-1) but not file it at this time.

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20 DATED THIS 21<sup>st</sup> day of June 2023.

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23 UNITED STATES MAGISTRATE JUDGE  
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